All hallow'd by her tears and prayers He stayed with me, it lessen'd cares.
If he, the restling, slept, I knew
My deve would slumber awaetly too,
And so I wrote her now and then,
"The baby slept all night sgain."

One morn be languished at my side Death-sick, and with the day he died And day with him. It was my That she I loved be happy stol So wrote I in my wented strain, "The baby slept all night again."

But when, in turn, she fondly wrote, Her pet names using in bur note, With artices talk about the hed Of him who slept so cold and dead, I sat the bliter truth to pen, "He sleeps to wake no more again." And when upon my breast she lay, And sobbed her precions bloom away And grief and grief, white of the dead We thought, withis his narrow bed, I said, and saw it ease her pain. "He wakes to sleep no more again."

THE BURNING OF THE "ROANOKE."

Hew the Pirates Came on Board and How They Selzed the Vessel-Interesting State-ments of the First Officer and Chief Engi-neer of the "Rouneke." neur of the "Remucke."
First Officer Nicoroland Chief Engineer Himmiss, however the principal officers on wards on board as accumulate accumulate Mosnots when that venet was orred with pirate Buairse and several of his men, after or departure from Havann, are in Now York, and are made statements of the capture. These officers were taken before the Collector of Rer York, and that officer made an informal examination of them, with a view of ascortain as if there was saying in the case which might require his official action. The following are their statements in condensed

Statement of First Officer Nichols,
The statement of First Officer E. D. Nichols was
first taken. It estat that, so far as he was aware,
there was no knowledge of the intendest attack of
the Resnock, on the part of her officers or others in
liamons, nor was there any crowd at the whart
when the vesst satisf. The carge counsisted of two
her deed and fitteen boxes smart, some cigars, and
\$17,000 in groundacks, and \$5000 or \$1000 in specie.
The vessel stated from thavana with only talifytrop passengers; size stopped three different times
and took on others who came in houts. First, one
man was taken, then a hoat with two, and another
with three men. These passengers were strangers.
No passengers were ever received before in that
way. Statement of First Officer Victoria.

Mr. Nichola thought they could have come on beard in beals only for the purpose of avoiding ap-pleation to our Consu. It was not understood that any fectuation was manifested by the Captan to take the men on board, that officer saying they were

take t.e men on board, that officer saying they were all right.

Only the captain and purser were authorized to permit them on the vessel, and the purser declared to the taptain they were all right. Mr. Nicous added:—"We were not authorized to take passoners aboard at the port unless they had proper papers from the Contail, a heavy penalty would be incurred by violating the rule in this respect."

The mist Mr. Nicholes saw of a disposition on the part of the strainers to proceed to violence was at a quarter of the o'clock on the evening of departure. At that time two of them walked up to Mr. Nicholes, one on each side, and, as he says, "leained" on him. Two others came behind him mid presented a revolver at his head, telling him if he opened his not urrender to the Confidence out, and ordered him to surrender to the Confidence out, and ordered him to surrender to the Confidence of him to surrender to the Confidence of the had better surrender, and "gave him one minute to Goolids. He amswered them, it that was the case he had better surrender, and "gave up," when they put him in irons. One man did the work, while another kept a revolver aimed at him Mr. Nichols says when they first seized him one

of them fired a revolver, it was supposed to notify their confederates on the lower dock to searche officer in that part of the ahip, Mr. Muoras. He had he men with him, and Mr. Nicholas had two smiors. Histories was saized immediately after the reportor the perol.
It appears that Nichols and Higgs were the principal enters on watch, and that all the computa-tors had to do after the science of these officers, was to go to the rooms or the other officers or the versel and ske them while asteep, which was a very easy

matter.

There were engaged in taking possession of the ship tweive or distens men; and the crew of the Recede numbered about affy. The Citic Farshoer had arms: the sleward had a cooley, and Mr. Nichole remarked that he binned; had a pixel in

When hir. Nignors was asked it he had any blea of mything of the kind occurring, be answered that on leaving New York he thought there might be some danger, but not the sliphest as Havann.

The Captain, who was not well, had retired to his room at hall-past five o'clock in the alternoon, Mr. Nrenors keeping the Captain's watan; and when that had exprised he went on with his own. It was

Nemores keeping the Captain's watan; and when that had expired he went on with his own. It was during this period that the onliveak occurred.

The Captain heard the report of the pistol which was freed, and immed out of his bed. Mr. Nichnias as whim open the door and stand with a revolver in his heard. The door stood giar, and Mr. Nichnias presided that on account of the darkness the Captain could see nothing.

On the placage to Sarmada some of the Remode's crew assisted Baraks and his men to work the anip, waith they were compelied to dis.

All the itemen and conjugators received a numble pay nifer the vessel was scient—the fromon as a solution and the removes the conjugators received a numble and the removes his dollars. Four some of the crew, including include, conjugators and conjugators went to work, all recurrent the night of lars. Four some of the chemick's in a time cance, allowing work the ship or be shot down.

Statement of the Chief Engineer.

Chief Engineer Biograms was next examined the rand the first time he identify or suspected anything wrong on the vessel was about nine o'cook in the evening.

thing wrong on the vissel was about line o'cook in the trem heard the men who allorwards made the atinck and who shood in a group, uyang "to get up some kind of a song;" he thought that strange, but said nothing. He wasked past them, however, and thoy asked kim how hat the ship was going. He re-plied, "Eleves knols of so," soon allorward a went into he room, and while there he "neard a man sing out "All we!" man sing out "All se I ".

He came out to accertain what it meant, but hearing not ing turther went back, and almost immodiately aneswards heard a place first. He turn
went out, and met a man who "raised a pistot" at
him.

went out, and her a man was a pistol, but had no chance to use it. Another man o me up room the gent way and said there was no use to locate.

Mr. Hugers continued in answer to questions; "listy wanted me to utrender. I asked to whom? They said to the Connederate States. I surremered, and they put me in from Control of the put me in from Control of the control of

Answer.—There were so many reports that we could not ton; if was said they heat the warrs and arms in feder neckets mit groundly comit brane from Er. Nichols.—They had flay-one paice or ground ir puckets, stion, -1) of they raise the Confederate flag on

of the venui!

Er Nichols.—Filey had didy-one pairs of does in their pockets.

Question.—Did they raise the Confederate flag on board the vessel?

All wer.—No, sir, not these they spread it dut on the table and asked us it we had ever sent the Confederate flag? They raised it the mark day.

Question.—Where did they rate asked to one federate flag? They raised it the mark day.

Question.—Where did they rate them own crew?

All wer.—This crew came on board ask concer passengras before we sharled. I believe some at flamm had itelects; obserts paid their placeare. Do not know who her they are passengres; but it is eminerary to have such passens, the parade said shake against these sleet age has engore were ask right, to canbor, I suppose, they had passengres.

All Notiones—When the vessel supped so many times, itself are almost asked what they asked one for? The said for the purpose of taking an passengres. The captaon sionled the vesse flams.

Er, nitedines—I was very intuiting mith the manal conson, and asked what this departure mean. I made some other remark, and the captaon explasted that those men were all right.

The officers gave an account of the morder of the capenter, substantially as already published. The chief engineer, Haarine brought about 1 some of the homeste had seen that relian, the had been with Captain Diraw in the Jameshows. The practice put Captain Diraw in the Jameshows. The practice put Captain Diraw in the Jameshows. The practice put Gaptain Diraw in the Jameshows. Almost all they could.

Question (to Mr. Nichols).—How file you get coal after arriving at Bernunda?

Answer, Almost aff the time; we were challed together; noticely was as much in from a serve were; the steward they put in rions tagins; if was supsupposed they meeded his services, naving caten all they could.

Question (to Mr. Nichols).—How file you get coal after arriving at Bernunda?

Answer, Almost aff the time; we were challed together; noticely was as much in from a date were partiving at Bernunda?

Answer, Almost and the time. They bira

Statement of the Steward.

Statement of the Steward.

The steward, Mr. Cook, was also examined. He said makes told him the Romode was going to Wilmington; that it wanted a steward, and would have to keep him (Cook.) Braarks promising him a hundred dollars a month till the Romode should set to Wilmington.

The steward declined the offer, saying him "happed delined the offer, saying he "happed did after awhile."

- A letter from Rome says that recently thirteen pickpeckets were taken up by the Papal police and brought to the lock-up. The "intelligent officer" who superintends the station rules and one of them, on the ground that thirteen was such an unlucky number.

AN ART DISCOVERY AT HOME. A SYATUR OF HERCULES EXECUSED. A correspondent of the Loudon Athenenes

writes from Rome, September 28, as follows :-"Righetti, a wealthy commoner of this city; has lately purchased an old palace for an old song, being in one of the dirtiest parts of Rome, called the Biscione; it is close to the Plaza Campo dei Fiori, and not far from the Farnese Palace, Extensive repairs were indispensable, for the building was in a most rickety state, and, on setting people to work to dig for a foundation, they came upon a pavement composed of large slabs of that marble called 'Porta Santa,' which is a dull, veined marble, of a reddish hae, which is a dull, veined marble, of a reddish hae, which comes from the island of Isaus, in the Archipelag's, and is properly called 'Marmor Jossease'; it is, however, netter known by its modern name, which it derives from its forming the jambs of the jubiled door at St. Peter's. This revenent was found thirty feet below the present level of this part of itoms; and here, likewise, they came upon a massive wall, near which they found a piece of building somewhat resembing a Noah's ark without the boat; the sides were of brick, and the roof was formed of blocks of travertine reasing apon these walls, and uniting with bevelled edges at the top (rigglue,' as they call it in Scotland.) There were came upon a pavement composed of large slabs of (rigging, as they call it is Scotland.) There were two palies inds, each formed of one hige block of travertine; on several of the block are seen, large and well cut, the letters F. C. S., which, as yet, the archaeologists here cannot explain. Great diffi-culty was encountered in consequence of the hole continually filling with water, and preventing the work going on ; but a steam engine was procured to work the pumps, which are now piled night and day. On opening the ark, it was found to contain a magnificent gill bronne active of a youthful Herenies, forteen feet high, but lying on his back, or as the Romans graphically

described it, Janua per aria.
"In art, this statue equals the finest that ever Greece produced, and the careful manner in which it has been hidden, and the means raisen to proit has been hidden, and the means taken to pro-lect it, argue that its value was known and ap-precinied. I suspect it must have been hidden in the fourth century to prevent its being carried of to Byzantium by the son of Constantine, who made off with everything he could by his hands

made off with everything he could lay his hands on in the shape of works of art, to enrich and adorn the city which thenceforward was to beer their imperial name. It is interesting to know that the coins found in and about the statue were those of Domitian, Declus, and Maximinias, commonly styled the 'Hercolean.' There were, likewise, coins of the Lower Empire.

"Over the gliding, which is very thick and bright (and the patina of which is still perfect), is a rough calcarcous incrusiation, which must be carefully removed before the beauty of the statue can be thoroughly enjoyed. It was found imbedded in marble-chips, such as form the sweepings of a sculptor's studio, and also wedged in by masses of architectural iraginetis. Inside the figure was found a very pretty little female head adorn the city which themselorvard was to be retained and the colors found in and about the statue were these of Dominian, Declus, and Maximinus, commonly styled the 'Hercelean.' There were, likewise, colors of the Lower Empire.

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"On the first indications of this discovery, much speculation arose as to whether it were equestrian or not, and whether it might not prove to be a pertrait statue of Pompey the Great, since the place where they are excavating is on the site of Pompey's Theatre, which was the first ever made of stone in Rome; and that its size was considerable is known from the fact that it accommodated twenty the asand spectators. These speculations as to what it is are now pretty well at rest, as the statue speaks for itself; at the same time, as there is a deal of that incrustation above mentioned subering to the features, there are some who insist that it is a portrait of Domitian repre-sented as Hercules. It has been raised to within ten feet of the surface, and men are busy explor-ing, in the hope of fluding one of the feet, which is missing. The club has come up in three pieces, and the lion's skin, which has hung over the shoulder (similar to that of the Thebau Hercules in the Vatican), and which has evidently been cast separately, is especially interesting to us moderns, as showing the mode in which the ancients executed their work of casting. "Hereales being the tutelary deity of Pompey

the Great, it was natural that his image should be chosen to ascern the balldings he erected. As a work of art this staine is far superior to that found in the Forum Ecarium, which is also git bronze, and is now in the Capitol. It has evidently been executed by artists in the time of the Empire, and stood in the temple of Herenles in the Forum. The beautiful marble stains of Herenles bearing Telephos, which adores the 'Pio Giomentino' in the Vatican, was found in the Campo dei Fiori, and placed where it now stands by Julius the

and placed where it now stands by Julius the Second."

English Public Schools.

Our conviction is, that the pressure is already far too great upon those who honestly fallil the required tasks. We are perfectly aware that most.

J'armee, c'est mos," "I am the army."—Providence required tasks. We are perfectly aware that m boys contrive, by sufficiently simple means, to avoid being inconveniently overloaded. But what we complain of is, that the burden falls with so dangerous a weight upon those who are either o ambitious or too conscientious to take refuge in complacent shirking. We cannot forget a onversation with the physician of one of our ruest public schools, who was constantly attending on the boys, and had every opportunity of observing their physical condition. He informed us that, tewards the end of the school-term, when the examination was held, those who worked hard generally fell rather below par in regard to strength, from the severity of their exertions.

And speaking, as we do, with all emilience, hom personal experience, we do not hostate to assert that, at the school in question, a boy of average trients who was desirous of attaining a average telents who was desirous of attaining a high position in his form, could scarcely fail to work far more than was likely to be at all compatible with the preservation of vigorous bealth. The following evidence of Dr. Achland is to a similar effect—"I must say, as a ph-shalan, that being my main business now, that I really view with alarm the way in which buys are pressed now. * * 1 am arraid it remains to he seen fifty years before what the effects of this system on the physique of the country will be." We tem on the physique of the country will be." We should be the last to oppose the introduction of nodultional subjects to the school curriculum; but we have thought it right to all ade to the diagens of pareineing additional work, because at the age of selections is would be a sell more serious evil to crains the development of the body then to neglect the development of the mind.—North British Review.

The Reb 1 General Mood's Leg.

The Reb-1 General Road's Leg.
Confedence ingenuity is never at a loss. The
head and frum of a man berived of one or more
innes will furnish the wisdom and ardor of a
perfect Rerules. The means of activity cut be
acquired by att. A regular service has been
organized in the Confedency, for the sensity,
from the most sallful makers in Europe, of armacial limbs and members, equipped with all the
most carming convivance that moderningenaity
has deviced to render them effective substitutes
for flying bone and muscle. In the erry part of
this year an emisent at a surgeon in the Confederate army was despatibled to London and
took up his quarters in the neighborhood of a
skilled artist.

He came provided with models of the truncated conters of a number of Confederate officers, point several weeks in superintending the manu-actors of a number of srms, legs, hands, dec, which were supplied in sets of two or three such, hat smild the polls of blockede rounting, one at cost allowed reach to destination in safety. On tener allowed such to deathbarren in salety. On one particular speemen of logonitity particular care was bestowed, and the surgeon took charge of it himself, sweak it up in a water proof casing, that it might survive the chance of being thrown overhound to be rescued from the clutches of Federal chasers. This was the identical limb—an "Anglasey leg," as it is called—which enabled General Hood to take service again, and assume emmand of the army at Atlanta. - London Index

Gernrel, the Lion-Killer.

Captain Spele, the undanated explorer of the He, after passing unbut through many purils y land and water, full a victim to an inglorious eldent in the heart of England. Jules Gerard, the celebrated Hon-killier and African traveler, has, it is rumoved by the last foreign arrival, been drowned while crossing a river in Africa.

been drowned while crossing a river in Africa.
Delivered, like Daniel of old, from the mouth of
the lion and the paw of the bear, he, too, has
fallen a victim to an accident which happens daily
in the most civilised countries.

Grard is chiefly known in this country by his
exciting book on lion-hunting. He gives a picture,
by no means flattering, of the King of Beasts, and
certainly his acquaintance with the huge animals
was intimate enough to make him a much better
index of the case than meet men can be. Recently judge of the case than most men can be. Recently Gerard headed an amateur expedition into Algeria, formed of sportsmen who also wished to see and shoot lions.

FATAL ACCIDENT.—A man named William Francis, well known as the keeper of the hotel known as the "Hit or Miss," on the Coney Island road, was found lying dead last evening beside his wagon, on the Flatbush avenue road. He had been driving home, when he lost his balance and fell off the wagon, breaking his neck. An inquest was held this morning, and a verifict in accordance with the fasts rendered. Francis leaves a wife and three children.—N. F. Post kest evening.

The Sambre, Marengo, Cedar Creek. As we read Sheridan's brief and thrilling desatches, telling us how at Cedar creek he, or as he modestly says, "the gallantry of his officers

and men," wrung victory from defeat, we were

reminded of that great battle at the Sambre, in

which Cassar, by his personal presence, tureed

back the conquering Nervians and overwhelmed

them with his legions, who had just been seeing

in alarm, and we also instinctively turned our

therebits to the field of Marengo, where Napoleon

buried Dessix on the lines of the victorious Aug.

trians, and gathered his beaten troops up in the

rear and led them on to complete victory, which

Casar has, in his "Commentaries," told us to his inimitable style of his great achievement. The Nerviews, one of the bravest of the Beigian

The Nervinos, one of the bravest of the Beigtan tribes, had concaved their forces in a thicket on a bill, between which and the Roman camp the Samhre flowed. While his soldiers were entrenching, a few of his cavalry crossed the stream. The Nervinus broke from their cover, charged across the stream, and before his troops could be formed, before even they could be warned of the danger, the enemy was across them. The forces of the formed of the danger, the commy was

could be warned of the danger, the enemy was upon them. The famous cavairy of Treves fied, panic-stricken, nunouncing that all was lost. The foot-soldiers, without waiting each to find his legion, joined whatever detachment he fell in with. But all efforts seemed truitiess. The 8th, 2th, 11th, and 12th Legions, even the renowned 10th Legion, tried in vain to stay the fee. Crear saw that the time for a last trial had

hope, and reviving their courage, as every one was ambitions of distinguishing himself in the presence of his General, and even in his great on extremity redoubled his efforts, the progress

hably not have been surprised. He had no rein-forcements at all, but won his splendid victory with the very same troops which had been driven miles by the enemy, with heavy loss.

At Marengo, our readers remember, Napoleon's first line, commanded by Victor and Gardame,

was broken, the left of the second line, com-manded by Lames, was uncovered and forced to retreat. Napoleon's left wing was, in fact,

completely put to flight, and his centre thrown into disorder. His right wing alone held its ground at all. Desaix, who arrived on the field

broke through the Austrian lines and captured

six batalions, with the Austrian commander-in-chief, Zach. Napoleon galloped along his line calling on the soloiers to advance. The men who

ad been fleeing to the rear now hastened

against the foc, and bors down everything before them. So was seeming defeat turned into vic-tery. Just about the same number of troops

were engaged in this battle as fought at Codar creek on Wednesday. But Sheridan's personal influence and success was in our judgment even more marked than that of Napoleon on the famous

field of Marengo.

We think that the historical scholar will recall

The "Berners Street Hoax."

The maddest of Theodore Hook's tricks was

that known us the "Berners Street Hoax," which

happened in 1809, as follows:-Walking down

Berners street one day, Hook's companion (pro-

bably Matthews) called his attention to a pur-

as we inferred from the doorplate-of some decent

shopkeeper's widow. "I'll lay you a guinea,"

said Theodore, "that in one week that nice quiet

dwelling shall be the most famous in all Lon-don." The betwas taken, and in the course of four or five days, Hood had written and posted one thousand letters annexing orders to tradesness of every sort within the bills of mortality, all to be executed on one particular day and as nearly as possible at one fixed hour. From "wagons of coals and pointoes, to books, writte less feathers is like and mathery are a

prints, ices, feathers, eithes, and aranberry tarts, nothing in any way available to any human being but was commanded from scores of rival denters, scattered all over the city from Waiping to Lambett, from Whiteshapel to Patitington.

penied to.

They could not all reach Berners street, however—the avenus leading to it being jammed up by the drays, cars, and carriages all pressing on to the solitary widow's house; but certainly the Duke of York's military punctuality and crimton liveries brought him to the point of attack before the poor woman's astemphenenthal is on to terror and despair. Most force were the growings of

doctors and surgeons, so res of whom had been cheated of valuation hours. Afterneys, teachers of every khad, made and female, had dressers, tailors, popular prochers, Parlamentars philanthropiess, had been all alike victimized.

week or two by a severe sit of llines, and then promoted reconvalescence by a few weeks' coun-ity tour. He revisited Oxford, and professed ar intention of commencing his residence there

But the storm blew over and Hood returned with tranquillity to the green-room.

Singing on the Scaffold. The execution of the French murderer, Latour,

was attended with singular circumstances. The pinion Nationale gives these particulars :-

"When informed that his last day had arrived, he refused to hear a word from any priest, and uttered the most dreadful biasphenies. He had

announced that he would compose a series of verses on the occasion, and sing them from the prison to the scaffold. Accordingly he never ceased throughout the whole distance (about

three hundred and fifty yards) singing out in a loud voice the couplet in question. He ascended the steps of the cafford firmly and lightly, and

on arriving above, after deliberately regarding the multitude, he thundered forth the following

"'Allons, pasvre vicilme.

Ton jour de mort est arrive.
Cootre tot de la tyraunie.
Le contesu sanglant est leve!"

Being then tied to the plank and flung into the usual horizontal position in order to be brought

A heavy sound was then heard, and all was over-

Ton jour de mort

under the blade, he still went on-

lines :-

ticularly neat and modest house, the residence-

they had utterly despaired of winning.

ARRIVAL FROM CITY POINT.

Special to The Evening Telegraph.

enil steamer Distator, from City Point, reports all quiet in front, and no news of any importance. The trial of Colonel Samuel North and others, feauds, is in progress to-day before the Military Commission. The forenoon has been consumed by counsel arguing the question of jurisdiction. Great numbers of furloughed soldiers of differ-

TRIAL OF COLONEL NORTH

foe. Clear saw that the time for a last trial had come. The enemy was pressing in front and on the ranks. The best centurions were killed. At least one standard was gone. The Nervians had almost reached the baggage. There was no reserve. Whereupon, say the Commentaries, "Casar statching a buckler from a soldier who stood in the rear of the legion, for he himself had come without one, and pressing to the front of the battle, called the centurions by name, encouraged the rest, and commanded the soldiers to advance their ensigns and widen their ranks, that they might be the more at likerty to use their swords. His arrival inspiring the men with hope, and reviving their courage, as every one

AN ELECTION CANARD.

im of the Administration.

Extra trains are going northward to-day, oaded with soldiers going home to vote. Copperheads will not have a chance to tamper with these

THE TRIAL OF COLONEL NORTH. and of Levi Cohen and M. M. Jones, was resumed this morning before the United States Military

Mr. Gillette, for the defense, replied, still pleadment of Judge Advocate Foster. He held that the Dorr case, in Rhode Island, and the Vallandigham case, both of which were referred to yesterday by Colonel Foster, were by no means simi-

ground stall. Desaix, who arrived on the field just in time, mer the fagitives from Victor's Division, saw Napoleon directing the retreat of his left and centre, and cried out in anguish, "The battle is lost! I can do no more than secure your retreat!" But Napoleon, with his quick eye, saw before him the auguries of success, and ordered Desaix to push forward on the right, telling him that he himself would rally the disordered troops on the camer and left to support him in the rear. Desaix galloned to the front to Mr. Gillette then proceeded to combat Colone. him in the rear. Desaix galloped to the front to meet the fatul ball that laid him low. But his thoops and Kellerman's dashed on. Kellerman mestion before the Court.

The learned Judge Advocate told the Court it was the duty of the Government to protect the soldiers against fraud and in all their rights. It was right for the Government to protect the soidier in relation to all his rights as far as they spring out of his relation to the Government as a oldier.

of his relation as a soldier. The right to vote is a relation socioging out of a local law of a State, It is the right of a man as a soldier, and not as a citizen. The Government may properly have laws preventing the sale of liquor to soldiers, and preventing any one from inducing them to sell their clothes and arms, but it has no authority in war or in peace to attempt supervision or control over civil rights. Therefore when the State of New York as a commonwealth passes a law in relation to certain rights t does not give the General Government control over such rights. If in this case a crime has been committed it was against a civil right of the soldiers and against the law of New York, and the remedy is to be found under the law of that State. A number of authorities were here read in support of the proposition that the United States had no common law in relation to criminal matters which could be resorted to" in this and similar cases; that the United States tribunals had no power to try causes arising under the statute laws of the States; and that no Court had jurisdiction, except such as was given it by the power creating the Court. Mr. Gillette also quoted the act of Congress of March 3, 1863, and argued from it that Congress itself directed what should be done with prisoners of State as distinguished from prisoners of war, How are the accused prisoners of a military

to Lambeth, from Whitechapel to Paddington. It can only be feelly longined what the crash and jam and turnel of that day was. Hook had provided houself with all daing nearly opposite the fated house, where with a couple of trusty allies he watched the progress of the melodroma. The Mayor and his chaplain arrived—invised there to take the death bed confession of a peculating common councilman. There also came the Governor of the Boak, the Chairman of the East India Company, the Lord Chief Justice, and the Prince Minister—above sill, there came his Grace the Archishop of Cauterbury, and His Royal Highness the Commander-in-Chief. Those all obeyed the summons, for every pions and patriotic feeling had been most movingly appeared to. mission has jurisdiction.

quently unconstitutional and vold.

Circuit Court of Onio had refused to grant application for a habens corpus for two reasons :eislons of a military court.

2d. That such military court had not exceeded ts larisdiction.

philanturopies, had been all alike victimised. There was an await smashing of glass, china, harpithords, coach-panels. Many a horse fell never to rise again. Beer-barrels and was-barrels were overturned and exhausted with insurity emidst the press of countiess multitudes. It was a great day for the pickpockets, and a great gedsend to the newspapers. Then arose many a forvent hus and cry for the detection of the wholesale deceiver and destroyer. Though in Book's own theatrical world he was instantly suspected, no sign escaped either him or his confidants. He found it convenient to be haid up a week or two by a savere fit of illness, and then war shall be carried on.

President may, with perfect legality, use extrabest in conducting the war, and he must, in nocordance with his oath of office, do all in his power to bring a war to a successful termination In this way the laws of peace must necessarily be made to give way, and what is known as mar-

use extraordinary measures.

Furloughed Soldiers En Route for their Homes.

Washington, November 4, 124 o'clock.-The

Secretary Seward, and Assistant Secretary of votes at the coming Presidential election. The Albany, N. Y., their respective places of residence.

Special to The Evening Telegraph.

cided in the affirmative this morning. North's friends are endeavoring to delay the trial, so that no verdict can be reached until after election day, hoping thus to make the Northern people believe that North is not guilty, but merely a vic-

Commission, General Doubleday, Prusident, ing to the jurisdiction of the Court, to the argular to the present case. There is no resemblance between the case of Vallandigham and that of Colonel North and these charged with him.

Foster's argument, that in time of war certain provisions of the Constitution, which was one of peace, were necessarily suspended. The extent of the suspension has nothing to do with the

different: The voldier, however, does not vote by viriue Court took a recess until 3 o'clock. the Rebels at Fort Harman, on the Tennessee river, on Sunday.

They were not in the military service, and did the fact of their arrest and imprisonment make them military authorities? It is clear that the accused are either State or political prisoners. If they are political prisoners then this tribunal has no jurisdiction. Beside State and political prisoners, these are purely military prisoners, and it is over such only that this military com-

The case of Vailandigham, which had been refered to differed from this in that he violated a known law which had been published, and the consequences of the violation of which were well known to him; but Colonel North and those charged with him knew of no law that could arreign them before a military tribunal. If there was such a law it was er post facto, and conte-

Colorel Poster, in reply, referred again to the Vallandighum case, and said the United States 1st. That they had no power to review the de-

Colonel Foster argued that, under the Const tution, many of its provisions had to yield to the anfety of the whole people. Even in time of peace private property may be seized for the public good; and shall it be said that greater power is not conferred in time of war? It is apparent that Congress has unlimited powers in declaring and carrying on war, and the President has the power to indicate the mode whereby the

In times of war, when the peace powers of the \$100,000 UNION PASSENGER RAIL-

Colonel Foster continued by assuring then that the war power was strictly Constitutional, and quoted from various authorities in support of his argument. If the argument of the counsel for the defense was correct, then if Lee or Longstreet were captured they could not be tried, The crowd dispersed at once, expressing horrer and indignation at such a revolting display of except by regular indictment by a grand jury,

In the Mexican war, General Scott established military tribunals, and made the statutes of the United States to prevail there. Could it be said

that this action was illegal? And yet it would be

impossible to point out the clause of the Consti-

The President in January last ordered a Com-

mission to be convened for the trial of such cases

as should be brought before it. This case of

Samuel North and others was sent to this Com-

If there is an organized band to defraud the

soldier of any one of his rights, has not a military

The Judge Advocate desied that the crime

charged was against the statute of New York.

any one who committed the crime outside of the

State. In which county of the State of New

York could an indictment be obtained? And con-

sequently a military court is the proper one to

take cognizance of the case, for the crime

charged was one against the soldier in the field,

and consequently was under the direct charge of

The Court was here cleared, and the Commis-

sion overruled the plea to the jurisdiction, and

adgment of guilty. The defendants could have

put in any plea they pleased. They had chosen to

a plea to the jurisdiction was not an unusual

If the defense had dismissed, then the Cours

could decide waether a plea should be entered.

Now will a military court decide, that because a

plea to the jurisdiction has not been sustained,

that the accused cannot be confronted with the

witnesses, but that be should be condamned

without a trial? The Court has simply decided

that the argument against the juri-diction was

not good. If the case were disposed of without

a hearing, would it have the effect of putting

Colonel Foster, in reply, said the point in this

case is when a person pleads to the jurisdiction

pro tanto, it acknowledges the facts charged, and

it is purely a matter of favor to allow the defense

The Court denied the motion of Colonel Foster,

Mr. McPherson moved that the accused be

Mr. McPherson then moved that the Judge

Advocate elect whether he will try the several

parties as principals or accessories. They cannot

Colonel Foster said he would not amend his

specification. He would not consider the parties

as principals or accessories, but would try them

upon the charges as set forth in the specifications.

The charges were not drawn up as an indict-

ment at common law, but as such papers are

usually drawn in proceedings before military

Mr. Gillette argued that it was the duty of the

Court to compel his Judge Advocate to elect how

he would try the several preties, whether as

The man who is to be defended as an accessory

Mr. McPherson's motion was denied, and the

THE WAR IN THE SOUTHWEST.

Sr. Lours, November 3 .- The gunboat Unding

me of the poorest of her class, was captured by

Twenty deserters from Fort Hermans reached

Paducah on Monday. Tany report that Forcest

Buford, Chalmers, and Bell were concentrating

there. They have fourteen pieces of causeon,

Orders from Hood and Forrest had been read

to the troops, saying that Hood was marching

north, and would cross the Tennessee river at

Bridgeport, while Forrest attacked Johnsonville

The Pirate "Tallabassee."

NEW YORK, November 4.-The steamer Chara

seake, from Portland, has arrived at this port

to-day, and reports that she was boarded by the

United States steam cutter Keenung, and informed

that the pirate Tallahassee was on the coast, and

Markets by Telegraph.

NEW YORK, November 1.—Stocks irregular Chicare and Eark Island, 100; Camberland performed \$134; Himes Central 125; So honds, EW; Michigan Southern, 75; See York Sentral, 122; Honding, 1914, House Hiver, 121; Ere, 190; God, 231; One-Year Certificates \$24; 10-45, 814; 5-20, corrors, 101; Coupun 08, 100;

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D. P. SOUTHWORTH,

OFFICE No. 423 WALNUT STREET,

ROOM No. 5.

of the Company's lodes, and have been assayed by Pro-cesors Booth and Garrett with the most grattrying results

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DINING HOOMS, No. 601 CHESBUT STIRET, OFPOSITE GENERAL POST OFFICE, PHILADELPHIA,
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ilberal encouragement most generously bestowed; and
premise to add still further attractions and improvements
and use every endeavor to merit the continued support
and patronage of the general public of Philadelphia and
vicinity

John W. Hall, do

W. W. Wylte, Lancaster

William G. Shute, Colored

Secretary and Treasurer

had destroyed several vessels.

posides the armoment of the gunboat Unding.

has one line of defense, and the principal has

severed and separate trials be granted them.

and the prisoners in turn entered the plea of not

then to plend to the merits of the case,

The motion was denied,

principals or necessories.

courts.

the military authorities.

thing.

decided that they had jurisdiction.

court the right to try those who swindle the sol-

totion giving General Scott such power.

THE ARMY OF THE POTOMAC ALL QUIET.

mission by the appellate power creating the court, and consequently the Commission has no authority to say they have no jurisdiction in the case, for the jurisdiction has been given to the Commission by the Judge Advocate-General.

dier of his bounty, or who deprive him of any of bis rights? It is always a crime to defraud a soldier, and a Government must take the soldier's charged with complicity in the New York election interest in hand. The statute does not provide for the indictment of

ent States are en route to their homes to vote. State Frederick Seward, left the city this moraing for their homes in the North, to cast their former has gone to Auburn, and the latter to

Question of Jurisdiction Decided in the Affirmative.

Washington, November 4.-The question of prisoletion in the case of Colonel North was de-

WASHINGTON, November 4.-The trial of Colonel Samuel North, New York State Agent,

another. The evidence in either case must be

Constitution conflict with the war powers, the A.H. The Union Passonger Entiway Company offer for sale par one hundred these and deliars of any per cent. upon bonds, clear of all taxes, National, State, and Maformer must give way to the latter; and the ordinary powers, and such as may seem to him Cities bonds are secured by a first mortgage on the ad and its franchies. The trustees are Clarence H* ark and Thomas A, Scott.
They are leared in sume of \$600, and can be had on application at the effice of the Company, No. 208 South OU STIS Street.

OL STIS Street.

WILLIAM F. KEMBLE, Treasurer. MONEY TO ANY AMOUNT LOANED upon Diamends, Watches, Jewelry Plate, Cothing &c., at JONES & CO.'S OLD ESTABLISHED LOAN OFFICE, Corner of THIRD and OASHILL Streets, N. R.—PIAMONDS, WATCHES, JEWELRY, GUNS &c., for sale at EEMARE ABLY LOW PRICES. tial law be substituted.

Colonel Foster also referred again to the Dorr case in Rhode Island, and argued from it that the war powers of the President are unlimited, and that in time of actual war the President may

and trial before a petit jury.

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The Backs will remain open at the Office of the Company dit up subscriptions to the strck.

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Leaving only \$765+22 now due, which is the unit indebtdegree of the Company.

Additional subscriptions are now required for Wharves.

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Ferrons forwarding subscriptions for stock, or learning the company of the company

posts thereog, will please make their checks payable to be order of PREDERICK P. BURRELL, Esq., Treasurer.

T. S. EMERY,

DETROLEUM

OILSTOCKS. Colonel Foster asked the Court to render a

THE UNDERSIGNED

plend to the jurisdiction, and must abide by the HAS FOR SALE, and will pay particular attention to the Mr. Gillette considered the demand of the Judge purchase of all the desirable and regular dividend-paying Advocate an extraordinary one, and argued that

PETROLEUM STOCKS.

Such as the NOBLE AND DELAMATER, DALZELL, MCELHENY, MCCLINTOCKVILLE, of Philadelphia, and GERMANIA, HIGHGATE, and ESICKERBOCKER, of

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Sabacriptions of 4 shares, \$38; of 10 shares, \$30; of 20 shares, \$150; of 30 shares, \$420; of 10 shares, \$350; of 20 shares, \$500.

Each share entities the holder to receive, every year, one and a half toward cost at cost, for 20 years, and Cash Dividends every a mostin, of the profile from the case of all surplus cost.

Succhichter who do not want any cast may have their proportion of cost so id by the Company, for their sepecial benefit, the profile being paid over so them, independent of the regular such dividends, to which they are also entitled.

of the regular cash cividends, to which they are also sentiated.

The Company possess large and well-built COAL WORKS, at DORALDSON (hear Tremont), Scanyikhi county, with examptive Mining and Tunner Rights, an excellent Double Breaker Shape Works, large Steam Frances, and all other Machinery and Apparatus, fo full operation, capable of mining \$6,500 tons, to be extensed to 120 AUD tons per year.

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call large, in the case of the clay of the cash principle.
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The Corpany is stiff receive is subscriptions to its stock at \$10 per share, and supplies the stockholders with the text obtains of will receive is subscriptions to its stock at \$10 per share, and supplies the stockholders with the text obtains of White An Schreickill Cost at \$7.00 per ton.
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The Beart of Hir clars, at the incitates of wanver the Stockholders, save arranged frame in Cultivity Ston for THE COLLIESY OF THE COMPANY, to take place of PE-IDAY. Sovember 4, Beland.
A special Train, with every provision for the privacy, comment, and save of the extended the will be save the liquid of and well return to the city again by 30 cocon, P. M. An excellent speciments will him to allowed to the Schoolers to to 19; to see their own property, but is see a large first case cost missing operation is full working. Are texter with the difference of the save cost missing operation is full working. Are texter with the difference of the save the first want of the save the first want of the Schoolers to do 19; to see their own property, but is see a large first case cost missing operation is full working. Are texter with the first who may desire to do so.
Single takes at the Exemption will be 55 cach; takes to 19 and 19 and

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If for vice to mare analys;
If with high torn blood to wed;
If a marble atone when doad—WRALTHI If to live threescere and ica, wishing the as long small; H to live a tile of peace; If to dis and go to presso—HEARTH! If you wish a life of pleasures; If you wake this world's treasures; If every comfact you would see, Take my advice, and wish all three.

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into the rate and the state of the state of

A Narrial c-rec of Thit teach and Market atrects, Zegler & Smith, cernor of Second and Green streets, Zegler & Smith, cernor of Second and Green streets, Dyect & Co., No. 22 N. Second street, Johnson, Bolloway & Cowden, and S. C. Pelmonr, Candria, At retail by all draggists. Ladies, by sending ONE DOLLAR

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